

Hearing Date And Time: August 25, 2011 at 10:00 a.m. (prevailing Eastern time)
Response Date And Time: August 18, 2011 at 4:00 p.m. (prevailing Eastern time)

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re	:	Chapter 11
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DPH HOLDINGS CORP., <u>et al.</u> ,	:	Case No. 05-44481 (RDD)
	:	
	:	(Jointly Administered)
Reorganized Debtors.	:	
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REORGANIZED DEBTORS' MOTION UNDER 11 U.S.C. § 105 AND FED. R. BANKR. P. 9014
FOR LEAVE TO (I) SUPPLEMENT THE RECORD OF THE JUNE 21, 2011 HEARING AND
(II) FILE THE REORGANIZED DEBTORS' STATEMENT REGARDING
SERVICE OF THE FINAL EXTENSION MOTION

DPH Holdings Corp. ("DPH Holdings"), on behalf of itself and certain of its affiliated reorganized debtors in the above-captioned cases (together with DPH Holdings, the "Reorganized Debtors"), formerly known as Delphi Corporation ("Delphi") and certain of its subsidiaries and affiliates, former debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors"), hereby submits this Motion Under 11 U.S.C. § 105 And Fed. R. Bankr. P. 9014 For Leave To (I) Supplement The Record Of The June 21, 2011 Hearing And (II) File The Reorganized Debtors' Statement Regarding Service Of The Final Extension Motion (the "Motion"), and respectfully represents as follows:

Background

1. On June 21, 2011, this Court heard oral argument on the Reorganized Debtors' Motion For Leave To File Amended Complaints (Docket No. 20575). During that hearing, this Court instructed the preference defendants that had not already done so, to submit affidavits or declarations regarding such "defendants' assertion of their facts as to notice" with respect to the Supplemental Postconfirmation Extension of Avoidance Action Service Deadline Motion (Docket No. 18952) (the "Final Extension Motion")¹ and for the Reorganized Debtors to respond to such affidavits. (Hr'g Tr. 310:14-16, Jun. 21, 2010).

Relief Requested

2. By this Motion, the Reorganized Debtors' request that this Court permit the Reorganized Debtors to file a statement, attached hereto as Exhibit A (the "Statement"), so as to supplement the information provided to the Court at the June 21, 2011, hearing, concerning notice of the Final Extension Motion. The Statement was prepared with assistance of counsel responsible for the service and prosecution of the Final Extension Motion.

¹ Capitalized terms used and not defined in this statement have the meanings ascribed to them in the Final Extension Motion.

Basis for Relief

3. At the June 21, 2011, hearing, there apparently was some confusion regarding the scope of notice authorized by the Court with respect to the Final Extension Motion. Further, numerous preference defendants have now taken the position that service of the Final Extension Motion was improper. That assertion, however, is incorrect. The Debtors believe that the Statement will be helpful in demonstrating this fact by providing the complete history regarding service of the Final Extension Motion.

4. The Statement is also responsive to this Court's request that the Debtors submit information describing the "spectrum" of notice provided to the various preference defendants. (Hr'g Tr. 307-309; Jun. 21, 2010).

5. In accordance with the Court's request, the Reorganized Debtors' special counsel for avoidance actions will file an omnibus response responding to allegations in the preference defendants' declarations that such defendant did not receive notice of the Final Extension Motion. As set forth in the omnibus response, the preference defendants' objections regarding lack of notice of the Final Extension Motion should be overruled. In addition, the Reorganized Debtors are hereby requesting leave to file the Statement prepared with the assistance of counsel responsible for service and prosecution of the Final Extension Motion. The Reorganized Debtors believe that this statement provides a critical supplement to the notice information requested by the Court. The statement places the Final Extension Motion in context by describing the relevant proceedings over the course of more than two years that led to the motion, and demonstrates that limited service of the Final Extension Motion was both proper and transparent. Accordingly, the Court should grant the Reorganized Debtors request to file the statement and supplement the record concerning notice of the Final Extension Motion.

Notice

6. Notice of this Motion has been provided in accordance with the Supplemental Order Under 11 U.S.C. §§ 102(1) And 105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, And 9014 Establishing Omnibus Hearing Dates And Certain Notice, Case Management, And Administrative Procedures, entered March 20, 2006 (Docket No. 2883), and the Twenty-Third Supplemental Order Under 11 U.S.C. §§ 102(l) And 105 And Fed. R. Bankr. P. 2002(m), 9006, 9007, And 9014 Establishing Omnibus Hearing Dates And Certain Notice, Case Management, And Administrative Procedures, entered May 3, 2011 (Docket No. 21251). Based on the information provided by special counsel handling the Adversary Proceedings, notice of this Motion was given to all remaining preference defendants currently subject to a pending Adversary Proceeding. In light of the nature of the relief requested, the Reorganized Debtors submit that no other or further notice is necessary.

WHEREFORE, the Reorganized Debtors respectfully request that this Court (a) permit the Reorganized Debtors to supplement the record with respect to the hearing held on June 21, 2011 and (b) permit the Reorganized Debtors to file a statement regarding service of the Final Extension Motion.

Dated: New York, New York
August 2, 2011

SKADDEN, ARPS, SLATE, MEAGHER
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